

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LAFONZO R. TURNER,

Plaintiff,

vs.

SINGH, et al.,

Defendants.

**1:23-cv-00820-GSA-PC**

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR CHANGE OF VENUE**

**(ECF No. 8.)**

**ORDER FINDING THAT VENUE IS  
PROPER IN THE SACRAMENTO  
DIVISION FOR PLAINTIFF'S CLAIMS  
ARISING AT THE CALIFORNIA  
HEALTH CARE FACILITY IN SAN  
JOAQUIN COUNTY**

**ORDER TRANSFERRING CASE BACK  
TO SACRAMENTO DIVISION OF  
UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF  
CALIFORNIA**

**ORDER FOR COURT IN SACRAMENTO  
TO REOPEN CASE NUMBER 2:23-cv-  
00954-DB-PC**

**I. BACKGROUND**

Lafonzo R. Turner ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On May 22, 2023, this case was initiated by a motion for a temporary restraining order and preliminary injunction filed by Plaintiff at the Sacramento

1 Division for the United States District Court for the Eastern District of California. (ECF No. 1.)  
2 The case was assigned case number 2:23-cv-00954-DB-PC. Plaintiff did not file any other  
3 pleadings with the motion. (Court Record.) On May 26, 2023, the case was transferred to the  
4 Fresno Division and assigned case number 1:23-cv-00820-GSA-PC. (ECF No. 3.)

5 On May 26, 2023, the Court in Fresno issued an order requiring Plaintiff to file a  
6 Complaint on the Court's form and either submit an application to proceed *in forma pauperis* or  
7 pay the \$420.00 filing fee for this case by June 30, 2023. (ECF No. 5.) On June 16, 2023,  
8 Plaintiff filed a prisoner civil rights Complaint in compliance with the order. (ECF No. 7.)  
9 Plaintiff has not submitted an application to proceed *in forma pauperis* or paid the filing fee.  
10 (Court Record.)

11 On July 5, 2023, Plaintiff filed a request for the case to be transferred back to the  
12 Sacramento Division of the Eastern District, contending that venue in the Fresno Division is  
13 improper. (ECF No. 8.)

## 14 **II. VENUE**

15 The federal venue statute requires that a civil action, other than one based on diversity  
16 jurisdiction, be brought only in "(1) judicial district in which any defendant resides, if all  
17 defendants are residents of the State in which the district is located; (2) a judicial district in which  
18 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial  
19 part of property that is the subject of the action is situated; or (3) if there is no district in which  
20 an action may otherwise be brought as provided in this section, any judicial district in which any  
21 defendant is subject to the court's personal jurisdiction with respect to such action.." 28 U.S.C.  
22 § 1391(b).

23 Plaintiff argues that venue in the Fresno Division of the Eastern District is improper  
24 because his claims in the Complaint arose out of events at the California Health Care Facility.  
25 This facility is located in San Joaquin County, California.

26 The Court has reviewed Plaintiff's Complaint filed on June 16, 2023 and finds that  
27 Plaintiff is correct. Plaintiff's claims in the Complaint arose out of events at the California Health  
28 Care Facility in Stockton, California, when Plaintiff was incarcerated there in the custody of the

California Department of Corrections and Rehabilitation. The city of Stockton is located in San Joaquin County, California, which is within the Sacramento Division of the Eastern District. Therefore, venue for Plaintiff's case is proper in the Sacramento Division, thus the case shall be transferred back to our Sacramento division.

### III. CONCLUSION

Based on the foregoing reasons, this case should be transferred back to the Sacramento Division of the Eastern Division of California. Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court may, on the Court's own motion, be transferred to the proper court.

Accordingly, good cause appearing, **IT IS HEREBY ORDERED** that:

1. This case be transferred back to the Sacramento Division of the United States District Court for the Eastern District of California;
2. The Court in Sacramento shall reopen case number 2:23-cv-00954-DB-PC;
3. All future filings shall refer to case number 2:23-cv-00954-DB-PC and shall be filed at:

United States District Court  
Eastern District of California  
501 "I" Street, Suite 4-200  
Sacramento, CA 95814

and

4. The Court has not ruled on Plaintiff's motion to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated: July 14, 2023

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE